

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**CHARLES J. SENIOR, NORMAN FAHY,  
RONALD D. PHIPPS, RAYMOND W.  
POSTMA, THOMAS G. HIRL GARRETT M.  
FAGAN and UNITED STEELWORKERS OF  
AMERICA, LOCAL 12004,**

**Plaintiffs**

**v.**

**NSTAR ELECTRIC AND GAS  
CORPORATION and COMMONWEALTH  
GAS COMPANY,**

**Defendants.**

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**Civil Action No. 04-10160-EFH**

**DEFENDANTS' ASSENTED-TO MOTION FOR LEAVE TO SUBMIT REPLY  
MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1(B)(3), Defendants NSTAR Electric and Gas Corporation and Commonwealth Gas Company ("Defendants") seek leave to submit a reply memorandum in support of their Motion for Summary Judgment. The grounds for this motion are that the pleadings submitted by Plaintiffs in opposition to Defendants' motion contain erroneous and insubstantial arguments, to which Defendants seek to respond. The reply memorandum is submitted herewith.

Defendants further recite their agreement that Plaintiffs may submit a response to the enclosed reply memorandum within fourteen (14) days of service on Plaintiffs.



**CERTIFICATE OF COMPLIANCE WITH  
LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for Defendants hereby certifies that he conferred and attempted in good faith to resolve or narrow the issue presented by the instant motion, and that Plaintiffs have indicated their assent thereto.

s/Robert P. Morris  
Robert P. Morris

Respectfully submitted,

NSTAR ELECTRIC AND GAS  
CORPORATION and COMMONWEALTH  
GAS COMPANY,

By their Attorneys,

MORGAN, BROWN & JOY, LLP  
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By: s/Robert P. Morris  
Keith B. Muntyan  
B.B.O. No. 361380  
Robert P. Morris  
B.B.O. No. 546052

Dated: April 29, 2005

**CERTIFICATE OF SERVICE**

I, Robert P. Morris, certify that on April 29, 2005, I caused to be served a copy of the within pleading by first class mail on counsel for Plaintiffs, Warren H. Pyle, Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan, P.C., 18 Tremont Street, Suite 500, Boston, MA 02108.

s/Robert P. Morris  
Robert P. Morris